

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
ARIZONA STRIP FIELD OFFICE  
CATEGORICAL EXCLUSION REVIEW**

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**CX-AZ-010-2005-0005**

**NAME OF PROPOSED ACTION:** Badger Canyon Common Use Area for Flagstone

**DESCRIPTION OF PROPOSED ACTION:** The proposed action is to designate this location a common use area for flagstone. A common use area designation is generally used when there is a disposal site that would require minimal or no reclamation after the removal of the mineral. It is nonexclusive, to which the general public has access and more than one party has a right to remove material. The proposed action would authorize this use in compliance with the 43 CFR 3600 regulations. Authorization for common use areas is regulated by 43 CFR § 3603.

In July 1992, this office received an application letter to purchase eight tons of flagstone from this site. Where as the applicant stated, this location has been used to quarry rock for at least 40 years and was used to supply rock to construct Cliff Dwellers Lodge. Since 2001, 10 permits have been issued for a total of more than 30 tones of flagstone. The demand is intermittent, but sufficient to justify designating the site a common use area for the local residents. Permits would be sold on a case-by-case basis and signed by the Authorized Officer.

Removal of material in trespass (unauthorized use) has also occurred on a regular basis from this site and other locations in House Rock Valley. Designating this site as a common use area would aid in reducing unauthorized use of mineral materials in House Rock Valley. Identification of this disposal area with proper signs and boundary markers should help discourage trespass while ensuring future removal is contained within the existing disturbed area, and signs would be posted to confine vehicular access to existing roads. The site would be inspected at the expiration of each permit/contract and monitored regularly for unauthorized use.

The existing disturbed area was mapped using a GPS and is shown on the attached site location map. The common use area would be contained within the existing surface disturbance. Removal of flagstone from this location would be with hand tools only, no mechanized equipment would be allowed, vehicles would be limited to a maximum size of passenger pick-up trucks and double axel trailers, and access would be restricted to existing roads. The total amount of mineral material removed would not exceed 50,000 cubic yards and the common use area would not exceed 5 acres. Reclamation funds acquired through the sale of permits would be available, if necessary, to reclaim previous or new surface disturbances.

The mitigation measures would include:

1. Limit all surface disturbance and associated vehicle travel to the previously disturbed area and the already existing access route.
2. All work within the area will be accomplished with hand tools only.
3. All surface disturbance will be kept to the minimum necessary to accomplish the removal of flagstone.
4. All motorized vehicles will be limited to a maximum size of passenger pick-up trucks and double axel trailers.

5. Any topsoil moved to expose underlying flagstone will be stockpiled for use in reclamation.
6. All trash or other foreign material must be removed completely from the area by the permittee immediately upon completion of operations. All such material must be disposed of in an approved disposal facility.
7. Except when open to allow vehicles to pass, the gate on the access to the flagstone area shall be kept closed at all times to prevent cattle from getting on the highway.
8. Permit holders should notify the BLM Arizona Strip Field Office's wildlife team lead or the condor biologist if California condors visit their worksite while permitted activities are under way. BLM may request that project activities be modified, relocated, or delayed where adverse affects to condors may result.
9. Purchase of a mineral materials permit constitutes agreement by the permittee to pay all costs incurred by the Government pertaining to the investigation and processing of any trespass action involving unauthorized removal of material by the permittee.
10. Each vehicle hauling material must carry a copy of the permit. Extraction and transport of mineral materials without a permit in the operator's possession can be considered theft of government property.
11. Any BLM employee will be allowed to examine at any time operators permits, and inspect the described area for compliance with the provisions of the permit.
12. The maximum time permitted for removal of mineral materials on Form 5450-5 (Vegetative or Mineral Material Negotiated Cash Sale Contract) is two months. Longer periods can be allowed at the Authorized BLM Officer's discretion.
13. Permits/contracts issued for mineral materials only cover activities on lands administered by the Bureau of Land Management and are subject to all pre-existing rights on the land covered under the permit. The permittee shall conduct all activities associated with the permit within the authorized limits of the permit.
14. Permits for mineral materials can not be sold, bartered, or otherwise transferred nor can a permittee sell materials in place in the pit to another party.
15. The permittee can hire an agent to extract and/or transport mineral materials, however this requires notification of the authorized BLM officer.
16. Agents approved by the BLM to extract and/or transport materials for the permittee must have a copy of the permit in their possession.
17. Stockpiling of material is prohibited and material shall be removed prior to the expiration of the permit/contract.

18. Pursuant to the Endangered Species Act of 1973, as amended, killing, harassing, harming, capturing, or collecting of any threatened or endangered species or attempting to engage in such conduct is illegal.
19. All applicable state and county laws and ordinances must be complied with.
20. Permittees must stay at least thirty feet from all fences and land improvements.
21. The permit area must be maintained in a manner which will not endanger the public, or be detrimental to other resource values such as livestock and wildlife.
22. The permittee shall allow free and unrestricted public access to and upon the permit area except in areas otherwise designated by the Authorized Officer.
23. Any sub-surface archaeological, historical, or paleontological remains discovered during use shall be left intact; all work in the area shall stop immediately and the Authorized Officer shall be notified immediately. Recommencement of work shall be allowed upon clearance by the Authorized Officer in consultation with the Archaeologist.
24. An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey would have to be completed prior to commencement of the project.
25. If in connection with operations any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the permittee or their agent shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer. The permittee or their agent shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.
26. Failure to comply with one or more of these mitigation measures by the permittee or their agent will be cause for the Authorized Officer to void the permit and may result in other enforcement actions.

**LOCATION OF PROPOSED ACTION:** The site is located in the N½NE¼SW¼, S½SE¼NW¼ of Section 18, T. 39 N., R. 7 E., G&SRM (map attached). It is situated approximately 500 feet east of Highway 89A, 0.8 miles southwest of the Vermillion Cliffs Lodge and is within the Badger Creek grazing allotment.

**PLAN CONFORMANCE REVIEW:** The proposed action has been reviewed for conformance with the Arizona Strip District Resource Management Plan (1992). The proposed action is in conformance with the RMP. The Vermillion Resource Area Implementation Plan decision M101, page II-11 states "Provide for the disposal and regulation of mineral materials at fair market value on a case-by-case basis. Free-use permits would be issued to federal and state agencies, and local communities."

**CATEGORICAL EXCLUSION REVIEW:** The proposed action is categorically excluded under 516 DM 6, Appendix 5.4: F. (10) states " Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas."

The proposal has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply. Surname(s) verify completion of this review by appropriate specialists.

NAME	LIST OF EXCLUSION CRITERIA
<u>Smith</u>	1. The proposal would have no significant adverse effects on public health or safety: <i>Identify the effect if any</i>
<u>Folks</u>	2. The proposal would not adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wilderness study areas, wild and scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks: <i>Identify the area that would be affected if any</i>
<u>Herron</u>	3. The proposal would have no adverse effects on historic or cultural resources: <i>Identify the effect if any</i>
<u>Cox</u>	4. The proposal would have no highly controversial environmental effects: <i>Identify the effect if any</i>
<u>Cox</u>	5. The proposal would have no highly uncertain or potentially significant environmental effects nor does it involve unique or unknown environmental risks: <i>Identify the effect if any</i>
<u>Cox</u>	6. The proposal would not establish a precedent for future action or represents a decision in principle about a future consideration with potentially significant environmental effects: <i>Identify the effect if any</i>
<u>Cox</u>	7. The proposal is not directly related to other actions with individually insignificant, but cumulatively significant effects: <i>Identify the other actions and their effects if any</i>
<u>Herron</u>	8. The proposal would not adversely affect properties listed or eligible for listing in the National Register of Historic Places: <i>Identify the effect if any</i>
<u>Hughes</u>	9. The proposal would not adversely affect a plant species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: <i>Identify the species and effect if any</i>
<u>Herder</u>	10. The proposal would not adversely affect an animal species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: <i>Identify the species and effect if any</i>
<u>Herder</u>	11. The proposal would not require compliance with Executive Order 11988 (Floodplain Management), 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act: <i>Identify the order or act and effect if any</i>
<u>Cox</u>	12. The proposal does not threaten to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment: <i>Identify the law and effect if any</i>
<u>Ford</u>	13. The proposal is in conformance with the Arizona Strip District Resource Management Plan/ Environmental Impact Statement (January, 1992): The proposed action is in conformance with the RMP. The Vermillion Resource Area Implementation Plan decision M101, page II-11 states "Provide for the disposal and regulation of mineral materials at fair market value on a case-by-case basis. Free-use permits would be issued to federal and state agencies, and local communities."

**REVIEWERS:**

RESOURCE	NAME	COMMENTS	SIGNATURE	DATE
Botanist	Lee Hughes	No affect	Yes	10/21/04
Cultural	John Herron	No affect	Yes	06/14/04
HazMat	Bob Smith	No affect	Yes	11/29/04
Lands	Laurie Ford	No affect	Yes	10/20/04
Management	Roger Taylor	Concurrence	B. Hammond	10/26/04
Minerals	Rody Cox	Processed proposal		
Native American Coord.	Gloria Benson	No response		
NEPA	Richard Spotts	CX amended	Yes	11/16/04
Range	Bob Sandberg	No affect	Yes	10/21/04
S&G	Linda Price	No affect	Yes	11/26/04
Wildlife	Michael Herder	No affect	Yes	10/21/04
VRM, Recreation	Tom Folks	No affect	Yes	11/29/04
Law Enforcement	Ray Klein	No response		
Law Enforcement	Ron Wadsworth	No affect	Yes	11/29/04
Noxious Weeds	L.D. Walker	No response		

DECISION: We have reviewed this plan conformance and NEPA compliance record and have determined that the proposal is in conformance with the approved land use plan, that it would have no significant environmental effects, and that no further environmental analysis is required.

REVIEWED BY:

\_\_\_\_\_  
Environmental Coordinator - Arizona Strip

DATE:

*IT IS MY DECISION TO IMPLEMENT THE PROPOSAL, AS DESCRIBED, WITH THE STIPULATIONS.*

APPROVED BY:

\_\_\_\_\_  
Field Manager - Arizona Strip

DATE: